

INFORMATION DISCLOSURE STATEMENT

Applicant : Blott et al.
App. No : 10/599,722
Filed : September 19, 2008
For : DRESSING AND APPARATUS FOR
CLEANSING THE WOUNDS
Examiner : Su, Susan Shan
Art Unit : 3761
Conf No. : 3283

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February 3, 2011

(Date)

/Sabin H. Lee/

Sabin H. Lee, Reg. No. 43,745

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 64 references to be considered by the Examiner, of which 41 are enclosed/submitted.

For Examiner's convenience, Applicants submit the Office Action issued from Japanese Patent Office on 06-15-2010 received in Patent Application No. 2007-510102 filed in the Japanese Patent Office (citation #55). Applicants do not believe that the Office Action is more relevant than the references cited therein. However, the Office Action states, for example, that JP 2001-314479 (citation #25) discloses "means for providing simultaneous aspiration and irrigation of the wound . . . (for example, refer to Figure 3)." Office Action at p. 2. As another example, the Office Action states that "providing the apparatus disclosed in [JP 2001-314479] with the means for supply flow regulation and the means for aspirate flow regulation disclosed in [WO 00/07653 (already of record in the present application)] could have been easily carried out by a person skilled in the art." Office Action at p. 3.

For Examiner's convenience, Applicants submit the Office Action issued on 01-28-2011 in co-pending Patent Application No. 10/599,728 (citation #56). Applicants do not believe that the Office Action is more relevant than the references cited therein. However, the Office Action states, for example, that US 2003/0021775 (already of record in the present application) discloses "means for providing simultaneous aspiration and irrigation of the wound in the form of a push-

pull cannula 24, such that fluid may be supplied to fill the flowpath from the fluid reservoir 10 via the fluid supply tube while fluid is aspirated by a device via localized fluid forces through the fluid offtake tube 22.” Office Action at p. 4. As another example, the Office Action states that “[t]he means for providing simultaneous aspiration and irrigation of the wound in the form of a push-pull cannula 24, such that fluid may be supplied to fill the flowpath from the fluid reservoir 10 via the fluid supply tube while fluid is aspirated by a device via localized fluid forces through the fluid offtake tube 22 (second device).” Office Action at p.5.

For Examiner’s convenience, Applicants submit the Office Action issued on 01-12-2009 in Patent Application No. 11/577,642 (citation #57). Applicants do not believe that the Office Action is more relevant than the references cited therein. However, the Office Action states, for example, that WO 02/092783 (already of record in the present application) discloses “moving the fluid through the fluid flow path; and supplying fluid to fill the fluid flow path from the fluid reservoir while aspirating fluid through the fluid offtake tube (page 8, [0033], line 24; page 10, [0040], line 32; page 16, [0062], lines 10-27; Fig. 9).” Office Action at p.3.

For Examiner’s convenience, Applicants submit the Final Office Action issued on 09-23-2009 in Patent Application No. 11/577,642 (citation #58). Applicants do not believe that the Final Office Action is more relevant than the references cited therein. However, the Final Office Action states, for example, that US 4,529,402 (already of record in the present application) teaches “the rotary valve 10 (Fig. 1) switching the flow between the inlet nipple 18 (Fig. 1) and outlet nipple 22 (claims 16-18) (Col. 6, lines 11-12; Col. 7, lines 7-8; Col. 9, line 3; Fig. 1), wherein the rotary valve 10 is a means for flow regulation.” Final Office Action at p. 4.

For Examiner’s convenience, Applicants submit the Office Action issued from Australian Patent Office on 06-04-2010 received in Patent Application No. 2005298433 filed in the Australian Patent Office (citation #59) (“First Office Action”) and the Office Action issued from Australian Patent Office on 10-18-2010 received in Patent Application No. 2005298433 filed in the Australian Patent Office (citation #60) (“Second Office Action”). Applicants do not believe that the First Office Action and the Second Office Action are more relevant than the references cited therein. However, the Second Office Action states, for example, that “roller pumps (e.g., [WO 02/092783 (already of record in the present application)] – element 160) are capable of regulating the flow of fluid in the flow path by means of adjustment to their RPM.” Office Action at p. 2. As another example, the Second Office Action states that WO 2004/037334 (citation

#27) discloses “[p]eristaltic pump (18) . . . capable of flow regulation.” Second Office Action at p. 2.

For Examiner’s convenience, Applicants submit the Office Action issued on 04-29-2010 in co-pending Patent Application No. 11/919,354 (citation #61). Applicants do not believe that the Office Action is more relevant than the references cited therein. However, the Office Action states, for example, that US 2003/005094 (citation #15) teaches “an apparatus 2 further comprising first device for moving fluid through the wound applied to fluid downstream, second device for moving fluid applied to the irrigant, means for aspirate flow regulation and means for supply flow regulation, the first and/or second device for moving fluid through the wound is a variable-throughput device, which is capable for programmable fluid movement 0014.” Office Action at pp. 8-9.

For Examiner’s convenience, Applicants submit the Final Office Action issued on 11-24-2010 in co-pending Patent Application No. 11/919,354 (citation #62). Applicants do not believe that the Final Office Action is more relevant than the references cited therein. However, the Final Office Action states, for example, that US 2003/171675 (already of record in the present application) in view of US 6,398,767 (already of record in the present application) “discloses means of simultaneously aspiration and irrigation of the wound, such that irrigant fluid may be supplied to fill the flowpath of the fluid reservoir via the fluid supply tube while aspirant fluid is aspirated by a device through the fluid offtake tube (Fig 1, [US 2003/171675]; Fig. 1, [US 6,398,767]).” Final Office Action at p. 7. As another example, the Final Office Action states that US 2003/171675 in view of US 6,398,767 “discloses the means for simultaneously aspiration and irrigation of the wound comprises a first device (30; Col. 4, Ln. 35-44; Fig. 1; [US 6,398,767]) for moving fluid through the wound applied to fluid downstream and away from the wound dressing in combination with a second device (Col. 5, Ln. 31-52, [US 6,398,767]) for moving fluid through the wound applied to the irrigant in the fluid supply tube upstream of and towards the wound dressing, a aspirate flow regulator (34, [US 6,398,767]; 22A [2003/171675]), and a supply flow regulator (20A, [2003/171675]; 32, [US 6,398,767]).” Final Office Action at p. 9.

For Examiner’s convenience, Applicants submit the Office Action issued from Chinese Patent Office on 08-21-2009 received in Patent Application No. 200680022913.7 filed in the Chinese Patent Office (citation #63) (“First Office Action”) and the Office Action issued from

Chinese Patent Office on 03-01-2010 received in Patent Application No. 200680022913.7 filed in the Chinese Patent Office (citation #64) ("Second Office Action"). Applicants do not believe that the First Office Action and the Second Office Action are more relevant than the references cited therein. However, the First Office Action refers to D2 as WO 2004/037334 (citation #27), First Office Action at p. 1, and the Second Office Action states that WO 2004/037334 "has disclosed that in use of the apparatus, the valve 16 is opened, the valve 14 is turned to admit fluid from the fluid reservoir to the wound dressing through the fluid supply tube 7 and inlet pipe 6, and the pump 18 is started for aspiration of the wound (which implies that aspiration and irrigation are conducted simultaneously) (see page 52, lines 3-17 of D2)," Second Office Action at pp. 2-3.

The following are co-pending applications assigned to the assignee of this application.

Cite No.	Application No.	U.S. Publication No.
17	12/981,337 SMNPH.002C1C1	
18	12/976,935 SMNPH.003P1	
19	12/832,032 SMNPH.004C1	2011/0009835
20	12/848,817 SMNPH.005C1	2010/0298793
21	12/940,788 SMNPH.005C2	
22	12/762,250 SMNPH.006C1	2010/0274167
23	12/832,002 SMNPH.007C1DV1	2011/0004171
24	12/976,949 SMNPH.008P1	

Applicants direct the Examiner to these applications to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution history, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of double patenting). Applicants believe that the Examiner has access to the applications and associated file histories through the Patent Office (e.g., the IFW system).

Appl. No. : 10/599,722
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Docket No. SMNPH.008APC
Customer No. 20,995

Accordingly, Applicants have not provided copies of these applications or their associated file histories. Applicants would be happy to provide copies of any of these applications or their associated file histories, now or in the future, should the Examiner so request. The Applicants have listed all of the corresponding publication numbers that they are presently aware of.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 3, 2011

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